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7 JULIO CESAR SANCHEZ-MARTINEZ,
8 Plaintiff,
9 v.
10 D. FREITAS, et al.,
11 Defendants.

Case No. [22-cv-07144-HSG](#)

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**ORDER DENYING MOTION TO
COMPEL WITHOUT PREJUDICE;
GRANTING MOTION TO VACATE
BRIEFING SCHEDULE; DENYING
SUMMARY JUDGMENT MOTION
WITHOUT PREJUDICE; SETTING
DEADLINES**

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21 Re: Dkt. Nos. 33, 34

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23 Plaintiff Julio Cesar Sanchez-Martinez, a pre-trial detainee housed at Santa Cruz Main Jail,
24 has filed this *pro se* action, alleging that certain Santa Cruz County Jail (“SCCJ”) correctional
25 officials have been deliberately indifferent to his safety. For the reasons set forth below, the Court
26 DENIES Plaintiff’s motion to compel, Dkt. No. 34 at 1-27; GRANTS Plaintiff’s motion to vacate
27 the briefing schedule, Dkt. No. 34 at 28-42; DENIES without prejudice Defendants’ summary
judgment motion, Dkt. No. 33; and sets certain deadlines in this case.

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BACKGROUND

29 The operative complaint alleges that Santa Cruz County Jail (“SCCJ”) correctional
30 officials Ramos, Frietas, Cleveland, Robbins, Shearer, Ainsworth, Ureta, Mora, Ganschow,
31 Zaragoza, Seavers, and Reed were aware of, but have not addressed, the following unsafe jail
32 conditions that put the safety of Plaintiff (and other inmates) at risk: ineffective door locking
33 mechanism that allows for doors to be popped open by inmates at will; an inadequate officer-to-
34 inmate staffing ratio; and failing to segregate inmates that pose potential threats to other inmates,
35 such as failing to segregate minimum, medium, and maximum security inmates, failing to
36 segregate violent and nonviolent inmates, failing to segregate mental health inmates, and failing to

1 segregate active gang members and dropouts. *See generally* Dkt. No. 11.

2 On May 11, 2023, the Court found that the operative complaint stated a cognizable
3 Fourteenth Amendment claim against Santa Cruz County Jail (“SCCJ”) correctional officials
4 Ramos, Frietas, Cleveland, Robbins, Shearer, Ainsworth, Ureta, Mora, Ganschow, Zaragoza,
5 Seavers, and Reed for deliberate indifference to Plaintiff’s safety. Dkt. No. 16. The Court ordered
6 the Clerk to issue summons, and the United States Marshal to effect service, and informed the
7 parties that discovery could commence. *Id.*

8 On June 9, 2023, in lieu of an answer, Defendants filed a motion to dismiss, and a motion
9 to vacate discovery and the scheduling order. Dkt. Nos. 20, 21. On February 1, 2024, the Court
10 denied the motion to dismiss and denied as moot the motion to vacate discovery and the
11 scheduling order. Dkt. No. 29. The Court set a new briefing schedule, which required Defendants
12 to file their dispositive motion by May 2, 2024. *Id.*

13 In early April 2024, Defendants received Plaintiff’s Requests for Production, which they
14 timely responded to on April 29, 2024. Dkt. No. 36 at 2.

15 On May 2, 2024, Defendants filed a summary judgment motion. Dkt. No. 33.

16 Sometime in early May, Defendants received a document titled “Plaintiff’s Counter
17 Response to Defendant’s Responses to Plaintiff’s First Request for Production of Documents”
18 dated May 2, 2024. Dkt. No. 36 at 2. In this document, Plaintiff stated that he was writing to
19 resolve the discovery dispute and offered Defendants two choices. First, the parties could meet
20 within the next three weeks to address Plaintiff’s RFPs. Second, Defendants could produce all the
21 documents requested in the RFPs without objections by the end of May. Plaintiff also informed
22 Defendants that he objected to their discovery responses; that their objections were unfounded;
23 that they had failed to produce a privilege log; and that they had only produced documents that
24 were readily accessible to Plaintiff. Dkt. No. 34 at 24-26.

25 On May 30, 2024, counsel for Defendants sent Plaintiff a letter responding to his May 2nd
26 demand letter, explaining the grounds for its responses and offering to provide amended responses
27 further explaining County Defendants’ positions on the requests. Dkt. No. 36 at 2-3. A day or
28 two after sending this letter, Defendants received Plaintiff’s motion to compel. Dkt. No. 36 at 3.

1 The Court received from Plaintiff and docketed a 54-page pleading on May 31, 2024. Dkt. No.
2 34. It appears that this 54-page pleading was intended to be two separate motions: a motion to
3 compel, Dkt. No. 34 at 1-27; and a motion to stay Defendants' summary judgment motion, which
4 includes as exhibits Plaintiff's May 28, 2024, first set of interrogatories, Dkt. No. 34 at 28-42.

5 On July 10, 2024, Plaintiff filed a pleading titled, "Plaintiff's Supporting Documents in
6 Regards to Motion to Compel Discovery." Dkt. No. 37. In this pleading, Plaintiff alleges that
7 Defendants moved for summary judgment in bad faith, knowing that Plaintiff lacked the necessary
8 evidence to oppose the summary judgment motion; and that Defendants have refused to cooperate
9 in discovery as evinced by their discovery responses and objections. Plaintiff requests that the
10 Court grant his motion to compel and impose sanctions upon Defendants. *See generally* Dkt. No.
11 37.

12 DISCUSSION

13 I. Motion to Compel (Dkt. No. 34 at 1-27)

14 Plaintiff has filed a motion to compel discovery, stating that Defendants' objections to his
15 requests for production are meritless and that Defendants have failed to provide a privilege log.
16 Dkt. No. 34. Defendants oppose the motion to compel on the following grounds. First,
17 Defendants argue that Plaintiff's motion to compel fails to comply with N.D. Cal. Civil L.R. 37-2
18 in that Plaintiff failed to set forth each request in full, followed immediately by the objections and
19 or responses thereto; because he has not explained why further response is warranted, and how the
20 likely benefit of compelling further response would outweigh the associated burden or risk; and
21 because he has not shown how the proportionality and other requirements of Fed. R. Civ. P.
22 26(b)(2) are satisfied. Second, Defendants argue that their discovery responses are proper. Third,
23 Defendants argue that Plaintiff filed the motion to compel in bad faith because he filed it prior to
24 the time set forth in his May 2, 2024 demand letter. Finally, Defendants argue that Plaintiff's
25 request for sanctions is "procedurally deficient and substantively untenable." Dkt. No. 36.

26 The Court DENIES Plaintiff's motion to compel for failure to comply with N.D. Cal. Civil
27 L.R. 37, and because it is unclear what relief is sought.

28 The motion to compel fails to comply with Local Rule 37-1's requirement that the moving

1 party confer with the opposing party in an attempt to resolve all disputed issues, prior to filing the
2 motion to compel. While Plaintiff sent Defendants a demand letter dated May 2, 2024, and served
3 Defendants with his objections to their responses to his RFPs, Plaintiff filed the motion to compel
4 before Defendants had a chance to respond to his May 2, 2024 letter. Plaintiff's May 2024 letter
5 and attached "Counter response to Defendant's Response's to Plaintiff's First Request for
6 Production of Documents" do not satisfy Local Rule 37-1 meet and confer requirement.

7 The motion to compel fails to comply with Local Rule 37-2's requirement that the motion
8 "set forth each [discovery] request in full, followed immediately by the objections and/or
9 responses thereto[; and for] each such request, . . . detail the basis for the party's contention that it
10 is entitled to the requested discovery and . . . show how the proportionality and other requirements
11 of Fed. R. Civ. P. 26(b)(2) are satisfied." N.D. Cal. L.R. 37-2. Because Plaintiff has failed to
12 comply with Local Rule 37-2's format requirement and objected generally to the discovery
13 responses, the Court is unable to ascertain what aspects of the discovery responses are deficient, if
14 any.

15 Finally, it is unclear what relief Plaintiff seeks, in part because Plaintiff has not complied
16 with Local Rule 37-2. Plaintiff states generally that Defendants' objections to his requests for
17 production are meritless. But it is unclear what documents have been produced so far, how these
18 documents are insufficiently responsive, what other documents Plaintiff seeks, the basis for
19 Plaintiff's entitlement to these additional documents; and how Fed. R. Civ. P. 26(b)(2)'s
20 requirements are satisfied.

21 The denial of Plaintiff's motion to compel is without prejudice to Plaintiff filing a motion
22 to compel after he has satisfied Local Rule 37-1's requirement that he confer with Defendants in
23 an attempt to resolve all disputed issues. Any motion to compel must comply with Local Rule 37-
24 2's format requirements, so that the Court can easily ascertain Plaintiff's specific objections to
25 specific responses, what additional documents are sought, and the justification for obtaining such
26 documents.¹

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28 ¹ The Court notes that the motion to compel, Dkt. No. 34, objects to Defendants' responses to
Plaintiff's requests for productions, whereas Plaintiff's supporting documents, Dkt. No. 37,

1 The Court further notes that, generally speaking, to the extent that Defendants are
2 withholding documents based on privilege, Fed. R. Civ. P. 26(b)(5) requires Defendants to
3 expressly make the privilege claim and “describe the nature of the documents, communications, or
4 tangible things not produced or disclosed—and do so in a manner that, without revealing
5 information itself privileged or protected, will enable other parties to assess the claim.” Fed. R.
6 Civ. P. 26(b)(5).

7 **II. Plaintiff’s Motion to Stay Summary Judgment Motion (Dkt. No. 34 at 28-42);
8 Defendants’ Summary Judgment Motion (Dkt. No. 33)**

9 Plaintiff has filed a motion seeking to stay Defendants’ summary judgment motion
10 pending completion of discovery or, in the alternative, vacate the briefing schedule. Dkt. No. 34
11 at 28-42. Plaintiff states he is actively engaged in seeking discovery, having served discovery
12 requests on Defendants in May 2024. Dkt. No. 34 at 29-30. Plaintiff’s alleged inability to obtain
13 relevant documents constitutes good cause to delay the briefing of the summary judgment motion.
14 However, the Court informed the parties that discovery could commence in May 2023, yet
15 Plaintiff did not commence discovery until May 2024, a year later. Accordingly, the Court
16 ORDERS as follows. The Court GRANTS Plaintiff’s motion to vacate the briefing schedule, Dkt.
17 No. 34 at 28-42; DENIES Defendants’ summary judgment motion without prejudice to
18 Defendants re-filing this motion after discovery has closed, Dkt. No. 33; and SETS the following
19 deadlines. By February 28, 2025, the parties must complete discovery. By April 30, 2025,
20 Defendants shall file their dispositive motion. Plaintiff’s opposition to the dispositive motion
21 must be filed with the Court and served upon Defendants no later than 28 days from the date the
22 motion is filed. Defendants shall file a reply brief in support of their dispositive motion no later
23 than 14 days after the date the opposition is filed. The motion shall be deemed submitted as of the
24 date the reply brief is due. No hearing will be held on the motion.

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27 objects to Defendants’ responses to Plaintiff’s interrogatories. Any renewed motion to compel
28 further responses to discovery requests should list all the relief sought, i.e. all the discovery
requests at issue, in the initial motion. Plaintiff should not seek additional relief in supplemental
pleadings supporting the motion, counter-responses, or replies in support of his motion.

CONCLUSION

For the reasons set forth above, the Court ORDERS as follows.

1. The Court DENIES Plaintiff's motion to compel. Dkt. No. 34 at 1-27. The denial is without prejudice to Plaintiff filing a motion to compel further discovery responses after he has satisfied Local Rule 37-1's requirement that he confer with Defendants in an attempt to resolve all disputed issues. Any motion to compel must comply with Local Rule 37-2's format requirements, so that the Court can easily ascertain Plaintiff's specific objections to specific responses, what additional documents are sought, and the justification for obtaining such documents.

2. The Court GRANTS Plaintiff's motion to vacate the briefing schedule, Dkt. No. 34 at 28-42, and Court DENIES Defendants' summary judgment motion, Dkt. No. 33, without prejudice to Defendants re-filing this motion after discovery has closed.

3. The Court sets the following deadlines in this case. By February 28, 2025, the parties must complete discovery. By April 30, 2025, Defendants shall file their dispositive motion. Plaintiff's opposition to the dispositive motion must be filed with the Court and served upon Defendants no later than 28 days from the date the motion is filed. Defendants shall file a reply brief in support of their dispositive motion no later than 14 days after the date the opposition is filed. The motion shall be deemed submitted as of the date the reply brief is due. No hearing will be held on the motion.

This order terminates Dkt. Nos. 33, 34.

IT IS SO ORDERED.

Dated: 12/2/2024


HAYWOOD S. GILLIAM, JR.
United States District Judge